

USDC SDNY

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DOC #:

DATE FILED: 2/06/2024

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK-----X
BERVIN NELSON BRUAL,

Plaintiffs

against

RICHARD G. HARVEY, HARVEY FAMILY
CHIROPRACTIC, PHYSICAL THERAPY &
ACUPUNCTURE, PLLC and NORTH
BROADWAY CHIROPRACTIC & PHYSICAL
THERAPY, PLLCDefendants.
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Index #: 7:23-cv-8706

**NOTICE OF MOTION TO
DISMISS PLAINTIFF'S
COMPLAINT PURSUANT
TO FED. R. CIV. P.
12(b)(1)**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law and Declaration of Richard G Harvey, all Defendants will move this Court before the Honorable Nelson S. Roman, U. S. D. J. at the United States Courthouse, 300 Quarropas Street, White Plains, New York, at a date and time to be set by the court, for an order pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure dismissing Plaintiff's complaint in its entirety for lack of subject matter jurisdiction and for such other relief as this Court may deem just and proper.

Dated: Jericho, New York
February 1, 2024

Defs.' motion is DENIED without prejudice to renew as premature. Defs. are directed to file all of their papers on the reply date, March 21, 2024, in accordance with this Court's order located at ECF No. 29. The Clerk of Court is respectfully directed to terminate the motion at ECF No. 31.


**Dated: February 6, 2024
White Plains, NY**

Respectfully submitted,

/s/ Peter M. Birzon

Peter Birzon & Associates, P. C.
400 Jericho Turnpike, Ste 100
Jericho, New York 11743
Tel: (516) 942-9100
Email: pbirzon@pbalaw.net
Attorneys for the Defendants

SO ORDERED:


HON. NELSON S. ROMAN
UNITED STATES DISTRICT JUDGE

MEMO ENDORSED